

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

ROBERT J. ELLIS
PLAINTIFF

VERSUS

Civil Action No. :1:04cv120LG-JMR

LANDINGS ASSOCIATES, LTD., THE MITCHELL
COMPANY, TRUSTMARK BUILDERS, INC., and
SCOTTY JONES, Individually And As
Employee/Agent Of Landings Associates,
Ltd., The Mitchell Company, And Trustmark
Builders, Inc.

DEFENDANTS

CORRECTED ORDER OF DISMISSAL

There came on to be heard on the Motion, *ore tenus*, of the Plaintiff, Robert J. Ellis, to Correct the Order of Dismissal (Document 120) entered in this cause on November 30, 2007, wherein the Plaintiff, Robert J. Ellis, and Defendants, Landings Associates, LTD., and Mitchell Company, having announced a settlement between them and the Court having previously granted summary judgments in favor of the Defendants, Trustmark Builders, Inc. and Scotty Jones, there being no further matters before the Court, the Court finds that a final Order of Dismissal with prejudice should be entered as to the Defendants Landings Associates, LTD., and Mitchell Company and that the Court's previous Orders granting summary judgment are now final and

appealable under Rule 54(b), Federal Rules of Civil Procedure. It is therefore,
ORDERED AND ADJUDGED, that this case is hereby dismissed with
prejudice as to Defendants, Landings Associates, LTD., and Mitchell Company. If
any party fails to consummate this settlement within (20) days, any aggrieved
party may reopen the case for enforcement of the settlement agreement within
ten days, and if successful, all additional attorneys' fees and costs from this date
shall be awarded such aggrieved party or parties against the party failing to
consummate the agreement. This Court specifically retains jurisdiction to
enforce the settlement agreement. It is further,

ORDERED AND ADJUDGED the Memorandum Opinion and Order Denying
Plaintiff's Motion for Partial Summary Judgment (Document 73) entered on
March 7, 2006 and Order Granting Trustmark Builders, Inc. and Scotty Jones'
Motion for Summary Judgment (Document 108) entered on August 2, 2007 are
now final and appealable under Rule 54(b), Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED this, the 5th day of December, 2007.

s/John M. Roper Sr.
UNITED STATES MAGISTRATE JUDGE

Prepared by:
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